To: Lieber, Thomas[Lieber.Thomas@epa.gov]
Cc: Kivowitz, Sharon[Kivowitz.Sharon@epa.gov]
From: Doyle, James
Sent: Fri 6/10/2016 7:56:09 PM
Subject: RE: New Cassel/Hicksville Groundwater Contamination Site

Letter? Or email in the vein of the middle paragraph, below, I presume?

From: Lieber, Thomas
Sent: Friday, June 10, 2016 3:00 PM
To: Doyle, James <Doyle.James@epa.gov>; Kivowitz, Sharon <Kivowitz.Sharon@epa.gov>
Subject: FW: New Cassel/Hicksville Groundwater Contamination Site

Jim and Sharon:

I suspect Riesel will request a similar letter as to Adchem and Lincoln. Are you Ok with that?

From: Lieber, Thomas
Sent: Thursday, February 12, 2015 1:17 PM
To: driesel@sprlaw.com
Cc: dchorost@sprlaw.com; eroggenkamp@sprlaw.com
Subject: New Cassel/Hicksville Groundwater Contamination Site

Dear Mr. Riesel:

Your letters dated September 25, 2014 and November 5, 2014, and your email of November 6, 2014 to Regional Counsel Eric Schaaf have been referred to me for response. Your letters and email concerned the Environmental Protection Agency's ("EPA's") July 2014 letters to your clients, Charles Pufahl, Adchem Corporation, and Lincoln Processing Corporation. In those letters, EPA notified your clients that EPA considers them to be potentially responsible parties ("PRPs") for the New Cassel/Hicksville Groundwater Contamination Site ("Site"), and invited them, along with other PRPs, to negotiate a settlement agreement and order on consent for, among other things, the performance of the remedial design for operable unit one and the remedial investigation/feasibility study for operable unit three at the Site.

Since EPA issued the notice letters in July 2014, you provided us with Magistrate Judge Lindsay's decision granting summary judgment to Charles Pufahl and another of your clients, Northern State Realty Company, in which the Court found that Northern State Realty Company, a dissolved company, was not liable as an "owner" under Section 107(a) of CERCLA, 42 U.S.C. §9607(a). As such, EPA no longer considers Mr. Pufahl, the surviving partner of Northern State Realty Company, a PRP based on Northern State's potential liability for the Site. Currently before Magistrate Judge Lindsay is your summary judgment motion regarding Adchem Corporation's liability at the Site, as well as an ongoing action regarding Lincoln's liability, and thus EPA does not yet have any indication from the Court as to their liability. Please inform us as soon as any such information becomes available.

Please note that EPA's notice of potential liability and subsequent invitation to your clients to participate in settlement negotiations were simply that: they reflected a reasonable basis to believe that potential liability existed: They did not reflect any determination to take enforcement action, and EPA has yet to make such a decision as to Adchem and Lincoln. Should you wish to discuss this matter further, please contact me (by return email or by telephone at 212-637-3158), or James Doyle (at doyle.james@epa.gov or by telephone at 212-637-3165), or Sharon Kivowitz (by email at kivowitz.sharon@epa.gov or by telephone at 212-637-3183).

Sincerely,

Tom Lieber

Chief, New York/Caribbean Superfund Branch

Office of Regional Counsel

USEPA Region 2